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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

PETER DELVECCHIA, <i>et al.</i> ,	)	<b>Case No: 2:19-CV-01322-KJD-DJA</b>
	)	
Plaintiffs,	)	
	)	
	)	
vs.	)	
	)	<b>SECOND</b>
	)	<b>STIPULATED MOTION TO</b>
FRONTIER AIRLINES, INC., <i>et al.</i> ,	)	<b>EXTEND DEADLINES</b>
Defendants.	)	
	)	

Plaintiffs, Peter DelVecchia individually and as next friend of A. D., a minor, and Defendant Frontier Airlines, Inc. (“Frontier”), the only Defendant that has been named in the Complaint (ECF No. 1) and has appeared in this civil action,<sup>1</sup> hereby file this Second Stipulated Motion to Extend

<sup>1</sup> Plaintiffs filed a Motion for Leave to Amend the Complaint [ECF No. 39] to, *inter alia*, name the additional Defendants. Although the Motion was filed on November 20, 2019 and has been fully briefed, it has not been ruled on. Defendant Frontier also filed a partial Motion to Dismiss [ECF No. 10] and a partial Motion to Strike [ECF No. 11] that have been briefed but not decided. The uncertainty concerning the proposed amendments and Frontier’s motions are also factors affecting the ability to complete discovery and meet other pretrial deadlines.

Deadlines, seeking to further extend the deadlines to disclose initial and rebuttal experts, the discovery cutoff deadline, and the deadline to file the interim status report, dispositive motions, and the joint proposed pretrial order stated in the Court's December 2, 2019 Order (ECF No. 46), by approximately 60 days each. Thus, the parties seek to extend these deadlines as follows:

- Extend the deadline to disclose initial experts from March 25, 2020 to **May 26, 2020**;
- Extend the deadline to file interim status report from March 25, 2020 to **May 26, 2020**;
- Extend the deadline to disclose rebuttal experts from April 27, 2020 to **June 26, 2020**;
- Extend the discovery cutoff date from May 25, 2020 to **July 24, 2020**;
- Extend the deadline for dispositive motions from June 23, 2020 to **August 28, 2020**; and
- Extend the deadline to file the joint proposed pretrial order from July 23, 2020 to **September 25, 2020**.

The primary reason for this second motion is that, despite the best efforts of counsel on both sides, circumstances beyond their control have adversely affected their ability to continue conducting discovery that is needed to meet the extended deadlines established by the December 2, 2019 Order. These include, of course, the current COVID-19 pandemic that is making travel and assembly inadvisable and, in some cases, forbidden by state and federal decrees. Although it is unknown when the pandemic-related restrictions will be lifted, counsel for the parties believe that a two-month delay in the completion of the deadlines is advisable until further information becomes available. In addition, some of the documents Plaintiffs have requested in written discovery have been marked as Sensitive Security Information (SSI) by the Transportation Security Administration (TSA). Thus, Frontier has requested written permission from the administrator of the TSA authorizing release of these materials, before they can be produced to Plaintiffs. Plaintiff Peter DeVecchia has filed a motion [ECF No. 60] on March 2, 2020 seeking to have himself and his counsel designated by the

1 Court as “covered persons” under 49 CFR §1520.7 to eliminate the delays created by the review  
 2 process, and that motion is currently pending. Finally, Fed. R. Civ. P. 35 examinations of Plaintiffs,  
 3 to the extent agreed to by Plaintiffs or ordered by the Court, are unlikely to be completed while travel  
 4 is inadvisable and medical facilities are being restricted to functions essential to combating the  
 5 pandemic. The additional time sought by this motion may allow the parties to complete these tasks,  
 6 although it remains to be seen how long the pandemic-related restrictions on normal activities will  
 7 need to be maintained.  
 8

9 The parties have been diligently working to complete fact discovery. Written discovery has  
 10 occurred but responses have been limited by objections that will need to be resolved through the  
 11 motion to compel process and the procedures relating to SSI, and numerous depositions have been  
 12 taken. A Rule 30(b)(6) deposition of Frontier has been postponed due to objections that will need to  
 13 be addressed in a motion to compel, as well as the SSI matters discussed above. Despite the parties’  
 14 best efforts, additional time is needed to complete fact and expert discovery, as well as to provide  
 15 necessary information to their experts so that reports can be finalized for disclosures. The parties and  
 16 their counsel are working expeditiously and cooperatively to conduct discovery and to otherwise  
 17 comply with the Court’s Scheduling Order as extended. This is the second motion for a continuance  
 18 of pretrial deadlines filed in this case.  
 19  
 20

21 DATED this 18<sup>th</sup> day of March, 2020.

22 /s/ John D. McKay  
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***Attorneys for Defendant Frontier Airlines, Inc.***

IT IS SO ORDERED:



Daniel J. Albregts  
United States Magistrate Judge

DATED: March 20, 2020